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U.S. DISTRICT COURT, E.D.N.Y.
★ OCT 20 2011 ★
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CALVIN MYERS,

Plaintiff,

-against-

MEMORANDUM AND ORDER

CV 08-1998

(Wexler, J.)

COUNTY OF NASSAU, NASSAU COUNTY
DETECTIVES MICHAEL F. O'LEARY,
CEREGHINO, THE INCORPORATED
VILLAGE OF HEMPSTEAD, DETECTIVES
SALERNO, DEAN NICOSIA, KEVIN CUNNINGHAM,
HEMPSTEAD POLICE OFFICER BRIAN JONES AND
SARGENT JOSEPH SORTINO,

Defendants.

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APPEARANCES

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Attorneys for Hempstead Defendants

WEXLER, District Judge

This is a civil rights lawsuit arising out of Plaintiff's arrest and subsequent trial on a

charge of murder. After Plaintiff was acquitted of the crime with which he was charged, he commenced this federal action.

On or about September 12, 2011, all Defendants moved for summary judgment and/or to dismiss the matter. In a Memorandum and Order dated October 7, 2011, this court granted those motions in their entirety. After the filing of the Memorandum and Order, this court received correspondence from Plaintiff's counsel indicating that a settlement had been reached prior to the parties' having notice of the dismissal of the action, and seeking a conference before this court. Counsel for Nassau County responded to Plaintiff's counsel's correspondence stating that no such settlement had ever been reached. Plaintiff's counsel countered the County's letter with a second correspondence taking issue with the County's position and arguing, again, that a settlement had, in fact been reached.

The court holds that the parties have set forth a breach of settlement agreement dispute over which this court lacks jurisdiction. This court has dismissed the case pending before it. To the extent that Plaintiff's counsel wishes to pursue his breach of contract action, he is free to do so in an appropriate forum. This matter is closed.

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
October 20, 2011